

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 09/975,996
Docket No. Q66373

REMARKS

As an initial matter, Applicant notes that the Examiner has not acknowledged the claim for foreign priority and has not confirmed receipt of the priority document (the PTO's website indicates that the PTO has received the priority document). Accordingly, Applicant respectfully requests that the Examiner acknowledge the claim for foreign priority and confirm receipt of the priority document in the next correspondence.

Claims 1-12 are all the claims pending in the application. Claim 1 is the only independent claim.

Claim Rejections Under 35 U.S.C. § 112

Claim 5 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite due to a minor informality. In response, Applicant has deleted the word "support" from claim 5, and respectfully requests that the Examiner withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-7 and 9 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosick (US 6,073,887) in view of Smith (US 5,949,370). Claim 8 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosick in view of Smith as applied to claim 1, and further in view of Polle (US 5,794,891). Claim 10 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosick in view of Smith as applied to claim 1, and further in view of Roth (US 6,229,501). Claim 11 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosick in view of Smith and Roth as applied to claim 10, and further in view

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 09/975,996
Docket No. Q66373

of Palmer (US 6,308,919). Claim 12 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hosick in view of Smith as applied to claim 3, and further in view of Kustas (US 6,087,991).

Applicant has amended independent claim 1 to recite that attitude control means positions the body of said satellite at all times at a same attitude relative to the solar radiation. This amendment to claim 1 is supported in the original specification at least by the *non-limiting* embodiment shown at Figs. 1-3 and the discussion at page 3, lines 16-20.

Applicant respectfully requests that the Examiner withdraw the rejection of amended independent claim 1 at least because there is no combination of Hosick and Smith that would reasonably teach or suggest all of the limitations of claim 1. For example, the combination of Hosick and Smith does not teach or suggest the claimed satellite having attitude control means that positions the body of said satellite at all times at a same attitude relative to the solar radiation.

Hosick discloses a spacecraft 18 that orbits the earth with North and South panels 21, 22 at positions that do not receive direct sun energy. *See* Hosick at Fig. 2. However, the spacecraft 18 is not at all times at a same attitude relative to the solar radiation. Instead, the satellite 18 is positioned such that the panel 24, which has a communication antenna 34, always faces the earth. *See* Hosick at Fig. 2.

Moreover, Smith, which the Examiner cites as showing a positionable antenna 12, does not cure the deficiency in Hosick discussed above.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 09/975,996
Docket No. Q66373

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 1.

In addition, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-7 and 9 at least because of their dependency from claim 1.

Applicant respectfully requests that the Examiner withdraw the rejection of dependent claim 8 at least because of its dependency from claim 1 and because Polle, which the Examiner cites as showing the use of white paint on north and south walls of a satellite, does not cure the deficiencies in the combination of Hosick and of Smith discussed above.

Applicant also respectfully requests that the Examiner withdraw the rejection of dependent claim 10 at least because of its dependency from claim 1 and because Roth, which the Examiner cites as showing reflectors connected by support arms, does not cure the deficiencies in the combination of Hosick and Smith discussed above.

Applicant respectfully requests that the Examiner withdraw the rejection of dependent claim 11 at least because of its dependency from claim 1 and because neither Roth nor Palmer, which the Examiner cites as showing H-shaped support arms, does not cure the deficiencies in the combination of Hosick and Smith discussed above.

Finally, Applicant also respectfully requests that the Examiner withdraw the rejection of dependent claim 12 at least because of its dependency from claim 1 and because Kustas, which the Examiner cites as showing a support that is constructed separately from the body, does not cure the deficiencies in the combination of Hosick and Smith discussed above.

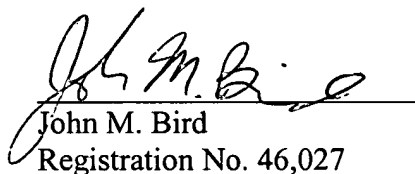
AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 09/975,996
Docket No. Q66373

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


John M. Bird
Registration No. 46,027

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 21, 2004